

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

STEPHEN P. KELLY

PLAINTIFF

v.

Civil No. 06-5179

WAL-MART, INC., an Arkansas Corporation;  
CHRISTINE DOWNTON, in her official  
capacity; GARY DOWNTON, in his official  
capacity; and WAL-MART STORE #2092,  
Ogdensburg, New York

DEFENDANTS

**ORDER**

This matter comes before the court for a determination regarding plaintiff's in forma pauperis application and service on defendants. Having reviewed the application, we find it should be granted and plaintiff will be allowed to proceed as a pauper in this matter. The district clerk is directed to file plaintiff's complaint *nunc pro tunc* as of September 18, 2006. The matter of service will be determined at a later date.

IT IS SO ORDERED this 22nd day of September 2006.

*Beverly Stites Jones*

HON. BEVERLY STITES JONES  
UNITED STATES MAGISTRATE JUDGE

U. S. DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FILED

SEP 26 2006

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK